

# Supplementary Order Paper

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## HOUSE OF REPRESENTATIVES

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Wednesday, the 30th Day of September 1970

### CHATELS TRANSFER AMENDMENT BILL

#### *Proposed Amendment*

Hon. Mr RIDDIFORD, in Committee, to move the following amendment:

To add the following clause:

4. Provision incidental to the closing of the Supreme Court Office at Westport—(1) Instruments which were registered in the Supreme Court Office at Greymouth during the period commencing on the 1st day of May 1970 and ending on the 22nd day of that month and which would have been validly registered in that office if section 2 of the Chattels Transfer Amendment Act 1969 had been in force shall be deemed to be and to have always been validly registered in that office and the provisions of the principal Act shall apply accordingly.

(2) The Registrar of the Supreme Court Office at Nelson may, on being satisfied in respect of any instrument registered in his office before the 25th day of May 1970,—

(a) That the chattels comprised in that instrument were situated in the Judicial District of Westland at the time of the making or giving of the instrument; and

(b) That the instrument is still subsisting and in full force and effect,—

transfer that instrument to the Supreme Court Office at Greymouth.

(3) Notwithstanding the provisions of section 23A of the Judicature Act 1908, the Registrar of the Supreme Court Office at Greymouth may, on being satisfied in respect of any instrument registered in the Supreme Court Office at Westport before the 1st day of May 1970,—

(a) That the chattels comprised in that instrument, although situated in the Provincial District of Nelson at the time of the making or giving of the instrument, were not at that time situated in the Judicial District of Westland; and

(b) That the instrument is still subsisting and in full force and effect,—  
transfer that instrument to the Supreme Court Office at Nelson.

(4) Where any instrument is transferred pursuant to subsection (2) or subsection (3) of this section—

(a) The Registrar transferring the instrument shall give written notice of the transfer to the grantor and the grantee and shall note on the instrument and in his register book and index a memorial of the fact and date of the transfer:

(b) The Registrar receiving the instrument being transferred shall enter particulars of the instrument in his register book in like manner as on original registration and make the appropriate entries in the index (including both in the book and in the index a memorial of the fact and date of the transfer):

(c) The instrument shall be deemed to be validly registered in the office to which it is transferred and, for the purposes of any renewal of the registration of that instrument which is effected after it has been transferred, shall be deemed to have been originally registered in that office:

(d) The registration of the instrument shall, unless that registration is renewed, cease to be of any effect at the time at which it would have ceased to be of any effect if this Act had not been passed and, subject to paragraph (c) of this subsection, section 14 of the principal Act shall apply accordingly.

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#### EXPLANATORY NOTE

Following the closing of the Supreme Court Office at Westport instruments within the meaning of the Chattels Transfer Act 1924 which were formerly required to be registered in that office or in the Supreme Court Office at Nelson should have been registered in the office at Nelson until the 25th day of May 1970. On that day section 2 of the Chattels Transfer Amendment Act 1969 came into force and had the effect of requiring such instruments to be registered in the Supreme Court Office at Greymouth.

*Subclause (1)* of the proposed new *clause 4* validates the registration of instruments that were mistakenly registered in the Supreme Court Office at Greymouth during the period that commenced on the 1st day of May 1970 and ended on the 22nd of that month.

*Subclause (2)* enables instruments which were registered before the 25th day of May 1970 in the Supreme Court Office at Nelson and which relate to chattels that were situated in the Judicial District of Westland at the time of the making or giving of the instrument to be transferred to the Supreme Court Office at Greymouth.

*Subclause (3)* enables instruments which were registered before the 1st day of May 1970 in the Supreme Court Office at Westport and which relate to chattels that were not situated in the Judicial District of Westland at the time of the making or giving of the instrument to be transferred to the Supreme Court Office at Nelson.

*Subclause (4)* sets out the procedure to be followed in respect of such transfers.

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